

**ASSEMBLY BILL**

**No. 821**

**Introduced by Assembly Member Simitian**

February 22, 2001

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An act to amend Section 13848.4 of the Penal Code, relating to the high technology crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 821, as introduced, Simitian. High Technology Crime Task Force.

Existing law establishes the High Technology Theft Apprehension and Prosecution Program Trust Fund, and specifies the purposes for which the moneys in the fund may be used. Funding is contingent upon appropriation by the Legislature, as provided.

This bill would, in addition, permit the Executive Director of the Office of Criminal Justice Planning to allocate and award up to 5% of the funds available from the trust fund to public agencies or private nonprofit organizations for the purposes of establishing statewide programs of education, training, and research for public prosecutors, investigators, and law enforcement officers relating to deterring, investigating, and prosecuting high technology-related crimes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13848.4 of the Penal Code is amended  
2 to read:

1 13848.4. (a) All funds appropriated to the Office of Criminal  
2 Justice Planning for the purposes of this chapter shall be deposited  
3 in the High Technology Theft Apprehension and Prosecution  
4 Program Trust Fund, which is hereby established. The fund shall  
5 be under the direction and control of the executive director.  
6 Moneys in the fund, upon appropriation by the Legislature, shall  
7 be expended to implement this chapter.

8 (b) Moneys in the High Technology Theft Apprehension and  
9 Prosecution Program Trust Fund shall be expended to fund  
10 programs to enhance the capacity of local law enforcement and  
11 prosecutors to deter, investigate, and prosecute high  
12 technology-related crimes. After deduction of the actual and  
13 necessary administrative costs referred to in subdivision (f), the  
14 High Technology Theft Apprehension and Prosecution Program  
15 Trust Fund shall be expended to fund programs to enhance the  
16 capacity of local law enforcement, state police, and local  
17 prosecutors to deter, investigate, and prosecute high  
18 technology-related crimes. Any funds distributed under this  
19 chapter shall be expended for the exclusive purpose of deterring,  
20 investigating, and prosecuting high technology-related crimes.

21 (c) Up to 10 percent of the funds shall be used for developing  
22 and maintaining a statewide data base on high technology crime  
23 for use in developing and distributing intelligence information to  
24 participating law enforcement agencies. *In addition, the Executive*  
25 *Director of the Office of Criminal Justice Planning may allocate*  
26 *and award up to 5 percent of the funds available to public agencies*  
27 *or private nonprofit organizations for the purposes of establishing*  
28 *statewide programs of education, training, and research for public*  
29 *prosecutors, investigators, and law enforcement officers relating*  
30 *to deterring, investigating, and prosecuting high*  
31 *technology-related crimes.* Any funds not expended in a fiscal  
32 year for these purposes shall be distributed to regional high  
33 technology theft task forces pursuant to subdivision (b).

34 (d) Any regional task force receiving funds under this section  
35 may elect to have the Department of Justice administer the  
36 regional task force program. The department may be reimbursed  
37 for any expenditures incurred for administering a regional task  
38 force from funds given to local law enforcement pursuant to  
39 subdivision (b).

1 (e) The Office of Criminal Justice Planning shall distribute  
2 funds in the High Technology Theft Apprehension and  
3 Prosecution Program Trust Fund to eligible agencies pursuant to  
4 subdivision (b) in consultation with the High Technology Crime  
5 Advisory Committee established pursuant to Section 13848.6.

6 (f) Administration of the overall program and the evaluation  
7 and monitoring of all grants made pursuant to this chapter shall be  
8 performed by the Office of Criminal Justice Planning, provided  
9 that funds expended for these functions shall not exceed 5 percent  
10 of the total amount made available under this chapter.

